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USPTO:

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In re PATENT APPLICATION of

Inventor(s) HANNA et al.

Appln. No. 09/853,580

Group Art Unit: 1642

Examiner: Gary Nickol

series code ↑ ↑ serial no.

Filed: May 14, 2001

Atty. Dkt. PM 037003-0280618

M#

TITLE: SYNERGISTIC COMPOSITION AND METHODS  
FOR TREATING NEOPLASTIC OR CANCEROUS  
GROWTHS AND FOR RESTORING OR  
BOOSTING HEMATOPOIESIS

Date: February 10, 2004

Name or type of signed paper being transmitted:

Petition Under 37 C.R.R. 1.181(a) to Withdraw Holding of Abandonment; Fee  
Transmittal

MESSAGE:

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Name Thomas A. Cawley, Jr. Sig. [Signature] Date February 10, 2004

037003/0280618

C# / M#

PTO/SB/17 (10-03)  
Approved for use through 07/31/2008 OMB 0851-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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## FEE TRANSMITTAL for FY 2004

Effective 10/01/2003 Patent fees are subject to annual revision

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT (\$)** 130.00

**Complete if Known**

Application Number 09/853,580  
Filing Date May 14, 2001  
First Named Inventor NABIL HANNA  
Examiner Name Gary B. Nickol  
Art Unit 1642  
Attorney Docket No. 037003-0280616

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**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number 033975  
Deposit Account Name PILLSBURY WINTHROP LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) or any underpayment of fee(s)  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

**FEE CALCULATION**

**1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			0.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims:  -20\* =  X  =   
Independent Claims:  -3\*\* =  X  =   
Multiple Dependent:  =

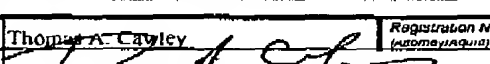
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)			0.00

\*or number previously paid, if greater For Reissues, see above

**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oam	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920	1804 920	Requesting publication of SIR prior to Examiner action	
1805 1,840	1805 1,840	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 490	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(d))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify):			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$)			130.00

**SUBMITTED BY**

Name (Print Type) Thomas A. Cavley  
Signature   
Registration No. (None/Required) 40944  
Telephone (703) 905-2144  
Date February 10, 2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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U.S. Appl. No. 09/853,580  
Atty. Ref No. 037003-080618

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FEB 10 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

HANNA et al.

Group Art Unit: 1642

Application Serial No. 09/853,580

Examiner: Gary B. Nickol

Filed: May 14, 2001

Title: SYNERGISTIC COMPOSITION AND METHODS FOR TREATING NEOPLASTIC  
OR CANCEROUS GROWTHS AND FOR RESTORING OR BOOSTING HEMATOPOIESIS

\* \* \* \* \*

PETITION UNDER 37 C.F.R. 1.181(a)  
TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.181(a), this petition is responsive to the Notification of Abandonment mailed January 21, 2004, in the above-identified application. The stated reason for abandonment is failure to respond to the official communication mailed on June 24, 2003.

Applicants attest, through the undersigned attorney, that the June 24, 2003, communication was not received at the correspondence address of record. In support thereof, attached is a complete listing of our docket entries for this matter. Prior to the receipt of notice of abandonment, the last correspondence received from the USPTO was an official action dated May 1, 2003, setting a one-month period for response. Applicants timely filed a response to the official communication on May 13, 2003. At the time of notification of abandonment, applicants had no knowledge of the outstanding official communication.

Based on the foregoing, applicants hereby petition for withdrawal of the holding of abandonment of the above-identified application. Payment of the requisite petition fee under 37 C.F.R. 1.17(h) is enclosed. Applicants also hereby request refund of the fee as it is

U.S. Appl. No. 09/853,580  
Any. Ref. No. 037003-080618

believed that the application has become abandoned without any fault on the part of the applicants.

If the Commissioner should require any further information, or wish to discuss the facts or rules presented herein, please contact the undersigned at the telephone number set forth below.

Respectfully submitted,

PILLSBURY WINTHROP LLP



Thomas A. Cawley, Jr., Ph.D.  
Registration No. 40,944

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(703) 905-2500 (Facsimile)

Date: February 10, 2004

Enclosures: Copy of Notice of Abandonment  
Print Copy of Docket Log

**Country Application**

Monday, February 09, 2004

Page: 1

Client-Matter: 037003-0280618

Country: US

Client: Biogen Idec, Inc.

United States of America

Attorney 1: Hess, Adam R.

Attorney 2: Cawley, Thomas A

Attorney 3: Broadus, Julie A.

Attorney 4:

Billing Attorney: Hess, Adam R.

Case Type: CON

Resp.Office: VA

Application Status: PENDING

Status Date: 14-May-2001

Application Number: 09/853580

Filing Date: 14-May-2001

Publication Number:

Publication Date:

Patent Number:

Issue Date:

Parent/PCT Number:

Parent/PCT Date :

Parent Patent Number:

Parent Issue Date :

Tax Schedule: LE

Expiration Date:

Confirmation Number: 7150

Patent Term Adjustment: 0

Agent:

Agent Reference No.:

Tax Agent:

Tax Pay Status:

Tax Start Date:

**Event Log**

Event	Event Date	Document Filed at PTO
CDC Declaration Filed Date	14-May-2001	<input checked="" type="checkbox"/>
CDC Fees Date	14-May-2001	<input type="checkbox"/>
CDC Specification Date	14-May-2001	<input type="checkbox"/>
CDC Document Received, Matter Opened	31-May-2001	<input type="checkbox"/>
Response	23-Sep-2002	<input checked="" type="checkbox"/>
Extension Fee	21-Apr-2003	<input checked="" type="checkbox"/>
Reply	21-Apr-2003	<input checked="" type="checkbox"/>
Reply	13-May-2003	<input checked="" type="checkbox"/>
Pro-1449	22-Oct-2003	<input checked="" type="checkbox"/>
return postcard	22-Oct-2003	<input checked="" type="checkbox"/>
Supplemental IDS filed	22-Oct-2003	<input checked="" type="checkbox"/>
associate power of attorney filed	22-Dec-2003	<input checked="" type="checkbox"/>
Notice of Abandonment Received	21-Jan-2004	<input type="checkbox"/>